## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION DOCKET NO. 3:18-CV-167-FDW-DCK

NATALIE NICHOLSON,	)	
	)	
Plaintiff,	)	
	)	
VS.	)	ORDER
	)	
MECKLENBURG COUNTY,	)	
	)	
Defendant.	)	

THIS MATTER IS BEFORE THE COURT on "Defendant's Motion To Seal" (Document No. 23) filed January 7, 2019. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, the undersigned will grant the motion.

A party who seeks to seal any pleading must comply with the Local Rules of this Court. Local Civil Rule("LCvR") 6.1 provides in relevant part as follows:

## LCvR. 6.1 SEALED FILINGS AND PUBLIC ACCESS.

- (a) Scope of Rule. To further openness in civil case proceedings, there is a presumption under applicable common law and the First Amendment that materials filed in this Court will be filed unsealed. This Rule governs any party's request to seal, or otherwise restrict public access to, any materials filed with the Court or used in connection with judicial decision- making. As used in this Rule, "materials" includes pleadings and documents of any nature and in any medium or format.
- **(b)** *Filing under Seal.* No materials may be filed under seal except by Court order, pursuant to a statute, or in accordance with a previously entered Rule 26(e) protective order.
- (c) Motion to Seal or Otherwise Restrict Public Access. A party's request to file materials under seal must be made by formal motion, separate from the motion or other pleading sought to be

sealed, pursuant to LCvR 7.1. Such motion must be filed electronically under the designation "Motion to Seal." The motion must set forth:

- (1) A non-confidential description of the material sought to be sealed;
- (2) A statement indicating why sealing is necessary and why there are no alternatives to filing under seal:
- (3) Unless permanent sealing is sought, a statement indicating how long the party seeks to have the material maintained under seal and how the matter is to be handled upon unsealing; and
- (4) Supporting statutes, case law, or other authority.

To the extent the party must disclose any confidential information in order to support the motion to seal, the party may provide that information in a separate memorandum filed under seal.

- (d) Filing of an Unredacted Copy Allowed. The party seeking to file material under seal may submit an unredacted version of the material under seal for review by the Court along with the motion to seal.
- (e) *Public Notice*. No motion to seal or otherwise restrict public access shall be determined without reasonable public notice. Notice is deemed reasonable where a motion is filed in accordance with LCvR 6.1(c). Other parties, intervenors, and non-parties may file objections and briefs opposing or supporting the motion within the time provided by LCvR 7.1 and may move to intervene under Fed.R.Civ.P. 24. Where the Court acts before the response, any party or non- party may move to unseal at any time.

Local Rule 6.1. It appears that the requirements of Local Rule 6.1(c)(1) through (4) have been met. However, Defendant does not indicate that it conferred with Plaintiff as required by Local Rule 7.1(b).

Having considered the factors provided in Local Rule 6.1(c), the Court will grant the motion to seal. Noting that the time for a response has not run to this motion, the Court will consider any objection to this Order from Plaintiff or non-parties as an objection to the motion.

## **CONCLUSION**

**IT IS, THEREFORE, ORDERED** that "Defendant's Motion to Seal" (Document No. 23) is **GRANTED**. Defendant may file its brief and affidavits of Barber and Jefferies under seal.

IT IS FURTHER ORDERED that Defendant shall file redacted versions of its sealed documents on or before January 18, 2019.

Signed: January 8, 2019

David C. Keesler

United States Magistrate Judge